

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

SARA and GEORGE TOTO,)	
)	
Plaintiffs,)	3:10-CV-0069-LRH-RAM
)	
v.)	
)	<u>ORDER</u>
AMERICAN NATIONAL LIFE)	
INSURANCE COMPANY OF TEXAS, et al.,)	
)	
Defendants.)	
_____)	

Before the court is defendant American National Life Insurance Company of Texas's ("Antex") brief concerning that the amount in controversy exceeds \$75,000 as required by 28 U.S.C. § 1332(a). Doc. #15.¹

In the court's March 15, 2010 order concerning Antex's petition for removal, the court found that Antex had failed to establish that removal on the basis of diversity jurisdiction was proper and granted Antex the opportunity to establish that the amount in controversy is met in this action. Doc. #10.

The district courts of the United States have original jurisdiction of civil actions when the suit is between citizens of different states and the amount in controversy, exclusive of interest and costs, exceeds \$75,000. 28 U.S.C. § 1332(a). If a complaint does not specify the amount of

¹Refers to the court's docket

1 damages, “the removing defendant bears the burden of establishing, by a preponderance of the
2 evidence, that the amount in controversy exceeds \$[75],000.” *Sanchez v. Monumental Life Ins.*
3 *Co.*, 102 F.3d 398, 404 (9th Cir. 1996). “The court may consider facts in the removal petition and
4 may require parties to submit summary-judgment-type evidence relevant to the amount in
5 controversy at the time of removal.” *Kroske v. U.S. Bank Corp.*, 432 F.3d 976, 980 (9th Cir. 2006)
6 (internal quotation marks omitted).

7 It is not facially evident from the complaint that the amount in controversy exceeds
8 \$75,000. However, Antex contends that the amount in controversy requirement is met because
9 plaintiffs are seeking payment for medical bills totaling \$42,405.84 and are seeking the premium
10 value of their insurance which has been calculated at \$64,865. *See* Doc. #15, Exhibit 2. Thus, the
11 sum plaintiffs are seeking from Antex is over \$107,000 which exceeds the \$75,000 amount in
12 controversy requirement. Accordingly, the court shall accept Antex’s removal of this action and
13 exercise diversity jurisdiction over the complaint.

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15 IT IS THEREFORE ORDERED that defendant’s brief concerning removal (Doc. #15) is
16 GRANTED.

17 IT IS SO ORDERED.

18 DATED this 8th day of October, 2010.



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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE
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